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# INTERIM

A REPORT OF INTERIM ACTIVITY . . . MONTANA LEGISLATIVE COUNCIL . . . HELENA

OCTOBER 1978

VOL. I NO. 10

PLEASE RETURN

LEGISLATIVE COUNCIL

SHELVED WITH  
PERIODICALS

COUNCIL  
APPOINTS NEW  
EXECUTIVE  
AND LEGAL  
SERVICES  
DIRECTORS

The Legislative Council accepted the resignation of Executive Director Terry Walker at its September 16 meeting. The Council met September 22 and appointed Diana S. Dowling to be Executive Director. Dowling was a bill drafter for the Council in the 1967, 1969, and 1973 sessions and Dowling has served as legal services director for the Council since 1974. She also served for a time as the Council's research director in addition to having extensive experience in the executive branch and with the constitutional convention. She will continue to serve as Code Commissioner, an office to which she was appointed in 1975.

Dave Cogley was appointed acting director of the legal services division of the Council. Dave has worked for the Council since 1975.

In other business, the Council gave final consideration to a budget for the next biennium. The Council discussed preliminary considerations for planning the Five-State Legislative Conference and the Western Conference of the Council of State Governments. Montana will host these meetings next September. The Five-State Conference brings together legislators from the Dakotas, Nebraska, Wyoming, and Montana to discuss common problems while the Western Conference provides an opportunity for legislators from the West to work together. The Council also began planning to provide for the needs of the Legislature next January.

PROPOSED  
CODE TO BE  
DISTRIBUTED  
AT CAUCUS

Current plans call for each legislator to be provided a complete set of the Montana Code Annotated at the time of the caucuses in November. Personnel and equipment problems at Artcraft Printers in Bozeman have delayed delivery of early volumes of the new code originally scheduled for September. Robert Graff, President of Artcraft has

assured the Code Commissioner that top priority will be given to completing the new code during October so that you may plan to receive your set of books in November.

#### BILL DRAFTING

The Legislative Council now has copies of all Titles of the new code, except Title 7, Local Government, which are available for review or bill drafting purposes. State agency personnel or private attorneys may check out the necessary Titles and make any needed copies. Contact Dave Cogley, 449-3064, for further information.

More than 100 persons attended the Bill Drafting Seminar presented by Council Staff. A limited number of copies of the Bill Drafting Manual and Seminar materials are available at no cost from the Council office.

#### BILL REQUESTS

Some 215 bill requests have been received from legislators to date. All requests will be accepted; however, drafting of code commissioner and interim study bills has been given top priority. Bill requests from legislators opposed in the general election will be processed after the election. Other requests will be handled as time is available. State agencies are currently submitting bills for review. Coordination with the Council office with regard to the use of the Montana Code Annotated in bill drafting has been excellent.

#### INTERIM COMMITTEES

##### HUMAN SERVICES SUBCOMMITTEE MEETING

At the August 24 meeting of the Interim Committee on Human Services, the Committee selected a subcommittee to draft legislation transferring control of mental health and alcohol and drug programs to the county government level. On September 22, the subcommittee met with representatives of the Montana Association of Counties, the Department of Institutions, advisory boards and councils and other interested persons. After discussing the problems associated with the transfer of control, the subcommittee decided to develop legislation which would allow counties to assume control of these programs. This assumption of control would be contingent upon state certification and periodic review of the programs. This legislation will be discussed further at a November 17 meeting.

##### SUBDIVISION LAWS

The Subcommittee on Subdivisions held its final meeting September 18 and 19. The members received

public comment on proposed bills first distributed in June. Following that review, the subcommittee discussed and acted upon the following legislation:

LC 0053 - Amending the Industrial Development Act to Allow for Such Bonds for Subdivision Services	Recommended to the Legislature for passage
LC 0054 - Granting Counties the Authority to Issue Revenue Bonds	Recommended to the Legislature for passage
LC 0055 - Authorizing Counties to Issue Refunding Bonds	Recommended to the Legislature for passage
LC 0056 - Revising Sub-division and Platting Act (Changing Definitions, Exemptions, Providing for Summary Review of Certain Subdivisions	Recommended to the Legislature for passage
LC 0057 - Conforming All Building Code Laws to the Previously Enacted Authority for Counties to Adopt Building Codes	Recommended to the Legislature for passage
LC 0058 - Redefining the Public Criteria for Subdivisions	Recommended to the Legislature for passage
LC 0059 - Modifying Park Dedication Requirements	Recommended to the Legislature for passage
LC 0060 - Allowing for the Creation of SID's and RID's for the Development and Maintenance of Parks	Recommended to the Legislature for passage
LC 0061 - Granting Cities the Authority to Create SID's Within the 4 1/2-Mile Radius Under Certain Circumstances	Not Recommended
LC 0062 - Granting Counties the Authority to	Not Recommended

Initiate the Creation  
of RID's Under Certain  
Circumstances

- |  |                    |
|--|--------------------|
| LC 0063 - Amending the<br>Sanitation in Sub-<br>divisions Act to Provide<br>for Expanded Local Health<br>Review and Additional<br>Enforcement Authority        | Not<br>Recommended |
| LC 0086 - Allowing Additional<br>Conditions Upon<br>Final Plat Approval<br>-- MEPA   | Not<br>Recommended |
| LC 0087 - Providing Enforce-<br>ment Responsibil-<br>ities of Clerks and<br>City and County Attorneys<br>re Transfer of Title<br>and Certificates of<br>Survey | Not<br>Recommended |
| LC 0088 - Exemption from<br>Survey Require-<br>ments for State<br>Highways   | Not<br>Recommended |

The subcommittee also requested drafts of additional legislation for submission to the 1979 legislature to (1) modify the exemption from surveying and platting requirements provided for state highway subdivisions; and to (2) explicitly state that when a governing body fails to act on a subdivision plat within the statutory time period, the subdivision plat is automatically approved.

The subcommittee also recommends:

(1) That the legislature act to insure that the Montana Environmental Policy Act be useful to subdivision decision makers but not be a burden to the developer; that the Department of Health and Environmental Sciences write environmental impact statements only at the local government's request.

(2) If the legislature rejects committee recommended bills as being insufficient in solving problems with subdivisions, the legislature should assign an interim subcommittee to completely rewrite the subdivision laws.

A final report is being prepared for release in November. Final versions of the bills will be

available following approval by the subcommittee members.

LEGAL  
SERVICES  
AND ELECTION  
LAWS MAKE  
LEGAL  
SERVICE  
RECOMMENDA-  
TIONS

The Subcommittee on State Legal Services and Election Laws concluded its interim work on assigned studies. In the area of state legal services, the subcommittee voted unanimously to recommend enactment of a bill to insure appropriate, economical, and efficient use of attorneys by the executive branch of state government. The recommended bill provides for a legal assistance program in the Office of the Attorney General, creates a Legal Services Review Board, and requires strict accountability for all state legal services. Additional recommendations for improving state legal services include: requiring all legal services costs to be recorded on the State Budget and Accounting System; establishing a classification for paralegals; modifying the experience requirement for Lawyer III from the current five years to three years; establishing a classification for Lawyer V; reviewing the lawyer positions which have the responsibility for the administration of legal services within a state executive agency with a view towards establishing a uniform Legal Administrator series; reviewing the current lawyer series and classification of lawyers; allowing more flexibility in the state pay plan to permit state executive agencies to grant staff attorneys "step increases" within each classification and pay grade; and finally the Subcommittee requested that the Attorney General prepare legislation to establish a mandatory, formal reporting system for state legal services.

AND  
RECOMMENDS  
A REVISION  
OF ELECTION  
LAWS

The Subcommittee also gave final approval to draft legislation to substantially revise, reorganize, and up-date Montana's election laws. The major features of the proposed revised election code include: consolidation of the administration of all elections, except school elections, under a local election administrator; clarifying the responsibility of the Secretary of State; requiring that an individual must register and vote in the same precinct in which he resided; rescheduling elections to provide for a November general election each year; consolidating local government elections in odd-numbered years; and other related measures aimed at streamlining the administration of elections while improving their overall quality and integrity.



## COAL TAX OVERSIGHT COMMITTEE

### COAL TAX OVERSIGHT RECOMMENDS INVESTMENT MEASURES

The Coal Tax Oversight Committee held a meeting September 13 to prepare its recommendations to the 46th legislature. The Committee recommended two bills and two joint resolutions:

- a bill to establish preference for Montana investments under the state's unified investment program;
- a bill creating a public corporation, funded initially by interest from the coal tax trust fund, to provide financial aid for new product development in Montana;
- a joint resolution urging the Board of Investments to purchase more Small Business Administration guaranteed loans; and
- a joint resolution urging the Board of Investments to participate with the Farmers Home Administration in farm ownership loans.

The Committee will meet again on the morning of January 3 to make final recommendations on a bill to create the Montana Homestead Land Program, for the state purchase, lease, and eventual sale of farmland to qualified Montana citizens.

At the meeting, the Committee also revised the Alternative Energy Program, and recommended that no further grants be made until January 30, 1979, after the Department of Natural Resources has evaluated the grants made to date, outlined its future objectives, and presented its findings to the committee.

## REVENUE OVERSIGHT COMMITTEE

### TAX BILLS TO BE CONSIDERED

The Revenue Oversight Committee held a meeting in Helena September 20-21. The Committee discussed its studies and requested bills be drafted, incorporating the following proposals, for final committee consideration at its November meeting:

- establishing a fee for most motor vehicles, including recreational vehicles, to replace the current property tax;
- repealing the bank shares tax; removing the



corporation license tax exemption for interest from federal, state, and municipal obligations; taxing financial institutions as are all other corporations; and distributing all the corporation license taxes collected from financial institutions to the local governments in which the institutions are located;

- revising the property tax classification system to decrease the current 20 classes to 9 classes.

The Committee is concerned, however, about the effect of these bills on local governments and has requested extensive research on possible revenue loss, county officials' salaries, and bonding limits in the various local governments.

The Committee also discussed the Department of Revenue's proposed administrative rules, bills, and pending legal cases.

The Committee will hold its final meeting in mid-November.

#### MONTANA SALARY COMMISSION

##### SALARY COMMISSION BEGINS WORK

The Montana Salary Commission held its first meeting September 11, 1978. The Commission elected Robert F. Dye of Bozeman as chairman. Members then reviewed a preliminary staff report of elected officials' salaries and workload; and reviewed past Montana Salary Commission reports to the legislature.

The Commission scheduled its next meeting for Monday, October 9, at 9:00 a.m., room 432, State Capitol. The Commission has invited comments by elected officials in the Legislative, Judicial, and Executive branches concerning their salaries. Commissioners also plan to discuss effects of inflation on elected officials' salaries; the caseload of district court judges; the increase in district court fees in relation to the increase in judicial salaries between FY 77 and FY 78; the state pay plan as a framework for evaluating legislative salaries; and the influence of the Montana Salary Commission's recommendations on the 1974 and 1977 legislatures.

The Commission has tentatively planned to hold one more meeting to prepare a report in time to meet

its November 15 statutory deadline.

#### LEGISLATIVE AUDIT COMMITTEE

##### MEETING

The Legislative Audit Committee will hold its next meeting October 30 & 31, 1978.

##### REPORTS ISSUED

At its August 31, September 1 meeting, the Committee received, reviewed and filed the financial/compliance audit report on the Department of Fish and Game, which included an in-depth review of the license drawing system.

At its September 25, 26 meeting the committee received, reviewed and filed a financial/compliance audit report on the Department of Natural Resources and Conservation and a program audit report on Special Education.

##### SUNSET

Board of Abstracters - The Committee approved draft legislation to license abstract plants but to abolish the Board of Abstractors and the licensing of individual abstracters.

Board of Public Accountants - Approved draft legislation to continue the Board of Public Accountants and to provide for a number of improvements in the regulation.

Board of Architects - Authorized the drafting of legislation continuing the regulation of architects.

State Banking Board - Approved draft legislation to continue the State Banking Board as it is.

County Printing Board - Approved draft legislation to abolish the Board and award county printing contracts by competitive bidding with an in-county preference.

Board of Electricians - Authorized the drafting of legislation continuing the regulation of electricians.

Insurance Department and Insurance Commissioner - Approved the drafting of legislation to retain regulation in the State Auditor's Office and to make improvements in the regulating statutes.

Board of Plumbers - Approved the drafting of legislation to continue licensing of plumbers.

The committee is considering proposing a consolidation of a number of regulatory boards.

REPORTS  
AVAILABLE

From the Office of the Legislative Auditor, Room 135, Capitol Building. Telephone: 449-3122.

LEGISLATIVE FINANCE COMMITTEE

MEETING

The regular meeting of the legislative finance committee was held September 22 and 23, in the state capitol.

TAX INCREASE

The committee reviewed correspondence from the Governor which indicated an increase in state millage levy for public schools to 3.3 mills. The committee had previously urged the funding of the deficiency through a supplemental appropriation rather than the levy.

REVENUE  
ESTIMATE

The committee heard a staff report on preliminary 1981 biennium revenue estimates. The report showed a total of \$470.4 million estimated general fund revenues for the 1981 biennium. These revenues would allow an expenditure increase of about five percent annually.

COAL GRANTS

The staff presented a report, required under provisions of the appropriations act, on recent coal board action. The report concluded that several grants were made to the state's wealthiest areas while another grant was made to a governmental unit having no adverse coal impact.

UNIVERSITY  
FUNDS

The committee heard a report concerning university funds which projected \$8.3 million of unrestricted fiscal resources by the end of fiscal 1981 which previously had not been a part of the operational budget. The report recommended that the legislature carefully review the budgets containing these funds.

NEXT MEETING

The committee will meet next on October 20-21 to review budgets of the departments of revenue, institutions and fish and game. The committee will also hear a report on employee compensation and a presentation from the budget office on reducing state expenses by 20 percent.

REPORTS  
AVAILABLE

From the office of Legislative Fiscal Analyst, Room 109, State Capitol or phone 449-2986.

COMMITTEE ON INDIAN LEGAL JURISDICTION

MEETING  
PLANNED  
OCTOBER 18

The committee will meet with tribal chairmen in the conference room of the Inter-Tribal Policy Board offices in Billings at 9:30 a.m. Wednesday, October 18. The purpose of the meeting is to determine areas wherein State government and Tribal governments can align their laws and practices to accommodate improved mutual operation of their government functions.



